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Our Case No. 8285-481

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)		
Stroud et al.)		
)	Examiner:	Agdeppa
Serial No.: 10/054,764)		
)	Group Art Unit:	2642
Filed: January 18, 2002)		
)		
For: Method for NPA Split Processing)		
on a Service Control Point)		

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reasons stated on the attached sheets. No more than five (5) pages are provided.

In the final Office Action mailed December 20, 2005, independent Claims 1, 5, 14, 21, and 29 and their dependent claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over the proposed combination of U.S. Patent No. 6,289,095 to Buttitta et al. and U.S. Patent No. 6,359,975 to Cai. Applicants respectfully request withdrawal of these rejections because the Office Action presents insufficient motivation to make the proposed combination. Further, even when Buttitta et al. and Cai are combined, the proposed combination fails to yield each and every element recited in the claims.

In the Office Action, the Examiner admitted that Buttitta et al. and Cai are directed to different aspects of a telecommunication system. Specifically, Buttitta et al. is directed to NPA split management, and Cai is directed to a method for eliminating billing errors. There is another significant difference between Buttitta et al. and Cai — the number of call records that are processed by each of the systems. In Buttitta et al., two call records exist — one for the old NPA and one for the new NPA. In contrast, a single call record is used in Cai, and redundant billing is eliminated by altering data in the single call record (i.e., replacing the real calling line identifier with a pseudo calling line identifier).

Given that Buttitta et al. and Cai are directed to different aspects of a telecommunication system (NPA split management vs. eliminating billing errors) and deal with a different number of call records, Applicants respectfully submit that one skilled in the art would not have been motivated to turn to Cai to find improvements in processing two call records in an NPA split management environment since Cai is neither directed to the processing of two call records nor to an NPA split management environment.

In the Office Action, it was asserted that one skilled in the art would have been motivated to combine Buttitta et al. and Cai due to the “notoriously old and well known” idea of acting to avoid confusion or conflict only when necessary to avoid extraneous processing. However, what

the Office Action fails to address is that additional processing needs to be added to Buttitta et al. in order to achieve this result. For example, to achieve the result stated in the Office Action of updating an old NPA or using a second call record when necessary, processing would need to be added to make that determination. The Office Action does not address why one skilled in the art would have been motivated to incur this additional processing given that the stated motivation was to reduce processing. Accordingly, Applicants respectfully submit that the Office Action does not set forth the required motivation.

Further, the asserted motivation of avoiding extraneous processing would not be sufficient motivation if one skilled in the art concluded that it is desired to update the new NPA or use the new CPR. For instance, updating the new NPA or using the new CPR can provide a desired level of comfort because it helps ensure that mistakes will not be made in determining whether an old or new call record should be used. Altering this approach would, in that case, be contrary to the basic operating principle of the reference. In the Office Action, the Examiner argued that one of ordinary skill in the art would have been motivated to alter the basic operating principle of the reference because “such a tradeoff seems to be acceptable to applicant and so could be acceptable to one of ordinary skill in the art as well.” This statement shows the rejections are based on nothing more than hindsight.

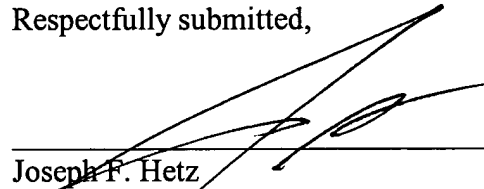
Even if one skilled in the art would have been motivated to combine Buttitta et al. and Cai, the proposed combination would still not render the claims unpatentable because Buttitta et al. and Cai fail to teach each and every element of the claims. For example, with respect to Claim 1, it was admitted that Buttitta et al. fails to teach using the second call processing record instead of the first call processing record if the first call processing record identifies a service that is NPA sensitive, and the Office Action relied upon Cai to cure this deficiency. However, Cai only discloses a single call processing record — not first and second processing records as recited

in the claim. In the Office Action, it was asserted that the original and pseudo calling line identifiers correspond to the first and second call records. Applicants respectfully disagree because Cai teaches that a calling line identifier is merely data in a call record and is not itself a call record. See col. 4, line 50 ("stores the pseudo CLI in the call record"). Accordingly, because Cai only teaches a single call processing record, it necessarily cannot teach the admittedly-missing element of using the second call processing record instead of the first call processing record if the first call processing record identifies a service that is NPA sensitive.

For the reasons set forth above, the 35 U.S.C. § 103(a) rejections of the claims should be withdrawn.

Dated: April 27, 2006

Respectfully submitted,



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